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Security Council

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Statement by the President of the Security Council

At the 4674th meeting of the Security Council, held on 18 December 2002, in connection with the Council's consideration of the item entitled "International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991; International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States, between 1 January 1994 and 31 December 1994", the President of the Security Council made the following statement on behalf of the Council:

"The Security Council takes note of the report to the Security Council, dated 23 July 2002, of the Prosecutor of the International Tribunal for Rwanda (ICTR) (S/2002/938), of the letter to the President of the Security Council, dated 26 July 2002 from the President of the ICTR (S/2002/847), of the letter from the Permanent Representative of Rwanda, dated 26 July 2002, enclosing the reply of the Rwandan Government to the Prosecutor's report (S/2002/842), of the letter to the President of the Security Council, dated 8 August 2002, from the President of the ICTR, enclosing a Note of the ICTR on the reply of the Rwandan Government (S/2002/923), and of the letter from the Permanent Representative of Rwanda, dated 17 September 2002, enclosing a letter from the Association of Survivors of Rwandan genocide.

"The Security Council also takes note of the letter to the President of the Security Council, dated 23 October 2002, from the President of the International Tribunal for the Former Yugoslavia (ICTY) and of the letter to the President of the Security Council, dated 25 October 2002, from the Permanent Representative of Yugoslavia to the United Nations, enclosing a Non-Paper.

"The Security Council reaffirms its support for the ICTR and ICTY (the Tribunals), impartial and independent bodies, which contribute to the maintenance of international peace and security and to bringing justice and reconciliation to the people of the countries concerned.

"The Security Council recalls the mandatory obligation of all States, including the Governments of Rwanda and Yugoslavia, under resolutions 955 (1994) and 827 (1993) and the Statutes of the Tribunals, to cooperate fully

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with the Tribunals and their organs, including the duty to comply with the requests by the Tribunals for the arrest or detention of indictees and their surrender or transfer to the Tribunals, to make witnesses available to the Tribunals, and to assist with the Tribunals' ongoing investigations.

"The Security Council stresses the importance it attaches to the full cooperation by all States, particularly those directly concerned, with the Tribunals.

"The Security Council also stresses the importance of constructive dialogue between the Tribunals and the Governments concerned to resolve any outstanding issues affecting the work of the Tribunals that arise in the course of their cooperation but insists that such dialogue or lack of dialogue must not be used by States as an excuse for failure to discharge their obligations to cooperate fully with the Tribunals as required by Security Council resolutions and the Statutes of the Tribunals.

"The Security Council will remain seized of the matter."